REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 29-37 and 52-60 are pending. Claims 29 and 52 are independent. Claims 29-37 and 52-60 are hereby amended. Support for this amendment is provided throughout the Specification, specifically pages 32-33. No new matter has been introduced by this amendment. Claims 1-28, 38-51 and 61-74 have been canceled without prejudice or disclaimer of the subject matter. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicant is entitled.

The Abstract has been amended, thereby obviating the objection to the disclosure.

The Disclosure has been checked and amended to identify Trademarks and other legal symbols.

Applicant respectfully traverses the objections to the Specification. Applicant submits that the title of the invention is descriptive.

Applicant traverses the removal of the hyperlinks present in the disclosure. Applicant submits that the hyperlinks are not active links, they are, in fact, examples and portrayals of aspects of the present invention.

Reconsideration and withdrawal of objections to the disclosure is respectfully requested.

A Terminal Disclaimer has been filed along with this paper to obviate the obvious-type double patenting rejection.

Applicant traverses the statutory double patenting rejection of claims 29-37 and 52-60. Applicant submits that this is premature because a statutory double patenting rejection requires an issued patent. Reconsideration and withdrawal of the statutory double patenting rejection is respectfully requested.

Claims 29-37 and 52-60 have been amended, and thereby obviate the 35 U.S.C. §112, second paragraph rejections.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 29-37 and 52-60 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. 6,594,699 to Sahai et al. (hereinafter, merely "Sahai")[1].

Claim 1 recites, *inter alia*:

> "A method for remotely determining a configuration of a computer of a multimedia content user, comprising:
>
> sending player detection code to the user's computer;
>
> receiving configuration information regarding the user's computer; and
>
> sending a modified information header instruction to the user's computer,
>
> wherein the detection code fetches estimated data corresponding to the configuration of the user's computer via a

[1] Applicant submits that the proper rejection would have been under 35 U.S.C. §102(a) as the effective filing date for the present application is October 31, 2003 where the date of patent for Sahai is July 15, 2003, less than one year prior; therefore, to expedite prosecution, a 35 U.S.C. §102(a) will be viewed.

sub-routine which determines an optimal timing block for a bandwidth measurement." (emphasis added)

As understood by Applicant, Sahai relates to a system in which the server obtains from the client information about the streaming capabilities and specifications of the client, can obtain information from a user about streaming preferences and performs streaming of multimedia from the server to the client based on the results obtained.

Applicant respectfully submits that Sahai fails to teach or suggest the features of claim 1. Specifically, Applicant submits that there is no teaching or suggestion of a method for remotely determining a configuration of a computer of a multimedia content user wherein the detection code fetches estimated data corresponding to the configuration of the user's computer via a sub-routine which determines an optimal timing block for a bandwidth measurement, as recited in claim 29.

Therefore, Applicant respectfully submits that claim 29 is patentable.

For reasons similar to those described above with regard to independent claim 29, claim 52 is also believed to be patentable.

Therefore, Applicant submits that independent claims 29 and 52 are patentable.

III. DEPENDENT CLAIMS

The other claims are dependent from independent claim 1, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully request early passage to issue of the present application.

Respectfully submitted,

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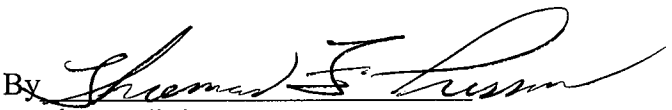
By 
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